

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Denny Jaeger

Examiner: Alexander Eisen

Serial No. 09/928,726

Filed 08/13/2001

For: Method and Apparatus for Detecting Activation
of a Controller Device

Group Art Unit: 2674

Docket 4143/CIP-3

RECEIVED

OCT 05 2004

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Technology Center 2600

PETITION TO REVIVE ABANDONED APPLICATION PURSUANT TO F.R.C.P. §1.181

This Petition is respectfully submitted to revive an allegedly abandoned application above identified.

On September 14, 2004, the PTO issued a "Notice of Abandonment", stating that the application was abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 06 January 2004."

This Notice of Abandonment was obviously sent out in error for the following reasons:

On January 6, 2004, the examiner, Alexander Eisen, issued an Office Action in which certain claims were allowed, one claim was rejected over the prior art, and other claims rejected solely on the grounds that they were dependent upon rejected base claims, but would be allowable if rewritten in independent form.

Applicant, well within the statutory period for response, filed an Amendment, dated 01/23/04 and a transmittal form, and sent the material to the Patent Office. Copies of all the above material, including the United States Post Office Express Mail receipt dated January 23, 2004 are enclosed, as well as a postcard acknowledgment dated January 23, 2004 from the United States Patent and Trademark Office.

From this material, it is clear that Applicant timely responded to the Office letter of January 6,

2004 and that the Patent Office not only received the documents, but acknowledged such receipt by stamping the postcard.

It is accordingly requested that this application be reinstated and that a further action on the merits of the case be sent out, which should be a Notice of Allowance since the one rejected claim was cancelled, and the formal objections complied with.

If, for any reason, this Petition to withdraw the holding of abandonment is denied, it is requested that this same Petition be considered a Petition to Revive under 37 C.F.R. §1.137(a) or (b) and any charges or fees in connection with the same may be charged to Applicant's account in the United States Patent Office, No. 26-0265.

As stated above, copies of all the relevant documents referred to above, including the Amendment which was submitted by Applicant's counsel on January 23, 2004 are enclosed.

Dated: September 24, 2004

Respectfully submitted,

Harris Zimmerman
Registration No. 16,437
1330 Broadway, Suite 710
Oakland, California 94612
(510) 465-0828

Attorney for Patentee

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 24, 2004

Date: September 24, 2004

Harris Zimmerman, Esq., Attorney for Patentee
Registration No. 16,437

ZIMMERMAN & CRONEN, LLP

ATTORNEYS AT LAW

HARRIS ZIMMERMAN

MICHAEL JAMES CRONEN

1330 BROADWAY, SUITE 710

OAKLAND, CALIFORNIA 94612

(510) 465-0828 FAX: (510) 465-2041

ZIMPAT@ZIMPATENT.COM

PATENTS

TRADEMARKS

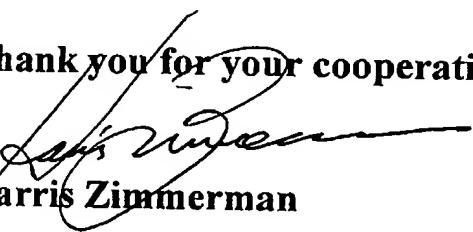
UNFAIR COMPETITION

FAX TRANSMISSION**Denise Pothier****Fax # (571) 273-4787****Petitions Examiner****Re; Petition to Revive U.S. Ser. 09/928,726, filed 08/31/2001 (Docket 4143/CIP-3)****Dear Ms Pothier:**

Thank you for the telephone call today. In accordance with your request, I am enclosing a complete copy of our Petition to Revive, a copy of the Petition signed by me, and all of the supporting material previously submitted on September 14, 2004.

I hope that the matter can now be expeditiously handled, and a patent issued in due course to the Applicant. As previously authorized in the Fee Transmittal Form, any additional fees may be charged to my Deposit Account.

Thank you for your cooperation.


Harris Zimmerman

Sep 18 06 03:13p

HARRIS ZIMMERMAN

5104652041

p.2

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 24, 2004

Docket No. 4143/CIP-3
(Jaeger)

Re: Serial No. 09/928,726
Filed: 08/31/2001



Enclosed is a Transmittal Form, a Petition to Revive and a Fee transmittal Form.

Kindly acknowledge receipt of the above by stamping the date on this card and returning the same to me. Thank you. Harris Zimmerman

Sep 18 06 03:13p

HARRIS ZIMMERMAN

5104652041

p. 3



Customer Copy
Label 11-F June 2001

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code <i>EL</i>	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In <i>2006-09-18</i>	Postage <i>\$ 13.65</i>	
Mo. Day Year <i>Mo. Day Year</i>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	
Time In <i>AM</i>	Military	
<input type="checkbox"/> AM <input type="checkbox"/> PM	Return Receipt Fee	
Weight <i>1.0 lbs</i>	Int'l Alpha Country Code	COD Fee <input type="checkbox"/> Insurance Fee <input type="checkbox"/>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <i>EL</i>	Total Postage & Fees <i>\$ 13.65</i>
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. <i>5104652041</i>		

UNITED STATES POSTAL SERVICE® Post Office To Addressee		
DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Customer Signature
Federal Agency/ Acct. No. or Postal Service Acct. No.		
FROM: (PLEASE PRINT) <i>PHONE 510-465-8228</i>		
TO: (PLEASE PRINT) <i>PHONE</i>		
Mail Stop Petition Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450		

PRESS HARD.

You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0)

Complete if Known

Application Number	09/928,726
Filing Date	08/13/04
First Named Inventor	Jaeger
Examiner Name	Eisen
Art Unit	2674
Attorney Docket No.	4143/CIP-3

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	26-0265
Deposit Account Name	Harris Zimmerman

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

(Complete if applicable)			
Name (Print/Type)	Harris Zimmerman	Registration No. (Attorney/Agent)	16,437
Signature		Date	09/24/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Denny Jaeger Examiner: Alexander Eisen
Serial No. 09/928,726 Filed 08/13/2001
For: Method and Apparatus for Detecting Activation
of a Controller Device Group Art Unit: 2674
Docket 4143/CIP-3

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE ABANDONED APPLICATION PURSUANT TO F.R.C.P. §1-181

This Petition is respectfully submitted to revive an allegedly abandoned application above identified.

On September 14, 2004, the PTO issued a “Notice of Abandonment”, stating that the application was abandoned in view of “Applicant’s failure to timely file a proper reply to the Office letter mailed on 06 January 2004.”

This Notice of Abandonment was obviously sent out in error for the following reasons:

On January 6, 2004, the examiner, Alexander Eisen, issued an Office Action in which certain claims were allowed, one claim was rejected over the prior art, and other claims rejected solely on the grounds that they were dependent upon rejected base claims, but would be allowable if rewritten in independent form.

Applicant, well within the statutory period for response, filed an Amendment, dated 01/23/04 and a transmittal form, and sent the material to the Patent Office. Copies of all the above material, including the United States Post Office Express Mail receipt dated January 23, 2004 are enclosed, as well as a postcard acknowledgment dated January 23, 2004 from the United States Patent and Trademark Office.

From this material, it is clear that Applicant timely responded to the Office letter of January 6,

2004 and that the Patent Office not only received the documents, but acknowledged such receipt by stamping the postcard.

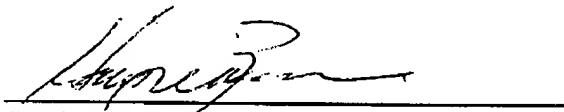
It is accordingly requested that this application be reinstated and that a further action on the merits of the case be sent out, which should be a Notice of Allowance since the one rejected claim was cancelled, and the formal objections complied with.

If, for any reason, this Petition to withdraw the holding of abandonment is denied, it is requested that this same Petition be considered a Petition to Revive under 37 C.F.R. §1.137(a) or (b) and any charges or fees in connection with the same may be charged to Applicant's account in the United States Patent Office, No. 26-0265.

As stated above, copies of all the relevant documents referred to above, including the Amendment which was submitted by Applicant's counsel on January 23, 2004 are enclosed.

Dated: September 24, 2004

Respectfully submitted,

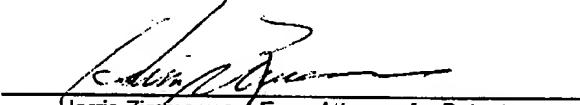


Harris Zimmerman
Registration No. 16,437
1330 Broadway, Suite 710
Oakland, California 94612
(510) 465-0828

Attorney for Patentee

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 24, 2004

Date: September 24, 2004



Harris Zimmerman, Esq., Attorney for Patentee
Registration No. 16,437



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,726	08/13/2001	Denny Jaeger	4143/CIP-3	7153
7590	09/14/2004		EXAMINER	
Harris Zimmerman Law Offices of Harris Zimmerman Suite 710 1330 Broadway Oakland, CA 94612-2506			EISEN, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2674	8

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

HARRIS ZIMMERMAN

SFP 20 2004

Notice of Abandonment	Application No.	Applicant(s)
	09/928,726	JAEGER, DENNY
	Examiner	Art Unit
	Alexander Eisen	2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 06 January 2004.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

Alexander Eisen
Primary Examiner
Art Unit: 2674

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Sep 18 06 03:14p

HARRIS ZIMMERMAN

5104652041

p. 9

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 23, 2004

Docket No. 4143/CIP-3
(Jaeger)

Re: Serial No. 09/928,726
Filed: 08/13/2001
Inventor: Jaeger



Enclosed is an Transmittal Form, Amendment After Final Rejection, and Reply Card.

Kindly acknowledge receipt of the above by stamping the date on this card and returning the same to me. Thank you.

Sep 18 06 03:14p

HARRIS ZIMMERMAN

5104652041

p.10



Customer Copy
Label T-F June 200

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code <i>74115</i>	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope
Date In <i>123 84</i>	Postage <input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	<i>\$ 13.61</i>
Time In <i>2041</i>	Military	Return Receipt Fee
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	
Weight <i>4 lbs.</i>	Int'l Alpha Country Code <i>VKC</i>	COD Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <i>VKC</i>	Insurance Fee
		Total Postage & Fees <i>\$ 13.61</i>
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Commerce Acct. No. <i>A-443-3</i>		



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. <input type="checkbox"/> Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. <input type="checkbox"/> Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. <input type="checkbox"/> Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

WARRANT OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if neither of above signatures is present. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize their delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY Weekend Holiday

Customer Signature

Federal Agency Acct. No. or
Postal Service Acct. No.

TO: (PLEASE PRINT)

PHONE _____

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450



PRESS HARD.

You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE*Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.***TRANSMITTAL
FORM***(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

12

Attorney Docket Number

4143/CIP-3

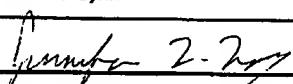
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> PTO Reply Card
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harris Zimmerman Law Offices of Harris Zimmerman
Signature	
Date	January 23, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Jennifer L. Lynx	
Signature		Date
	January 23, 2004	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV309729660US

OK to enter upon revival/
10/08/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. : 09/928,726

Filed: 08/13/2001

Inventor: JAEGER

Docket No.: 4143/CIP-3

Group Art Unit: 2674

Examiner: Nguyen

**For: M&A FOR DETECTING ACTUATION OF A CONTROLLER DEVICE
ON A TOUCH SCREEN**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

AMENDMENT AFTER FINAL REJECTION

a.) Introductory Comments

Receipt is acknowledged of the Office Action dated January 6, 2004, in which claims 1-17 and 22-29 are examined. The allowance of claims 1-11 and 22-29 is noted with appreciation, as is the allowability of claims 13-17. Only claim 12 stands rejected over prior art.

b.) Amendments to the Specification

No amendments to the specification are requested.

Please Enter 4/12/07

AE

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 1 of 12

c.) Amendments to the Claims

Claim 1. (Previously amended) -- In a touch screen system that has at least one physical control device operating on a touch screen, the improvement comprising:

a first antenna secured adjacent to the touch screen, and control circuit means for driving said first antenna to generate an EM field extending across the touch screen;

said at least one physical control device including resonant antenna means for receiving said EM field and re-radiating an electromagnetic response signal;

means for releasably adhering said at least one physical control device to said touch screen;

means for selectively operating said resonant antenna means to re-radiate said response signal when said physical control device is touched by a user, and for selectively disabling said resonant antenna means when said physical control device is not being touched by a user,

said control circuit further including means for receiving said response signal and entering a control command into an electronic device operatively associated with said touch screen assembly.

Claim 2. (original) -- The improved touch screen assembly of claim 1, wherein said touch screen employs a resistance-type touch detection arrangement.

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 2 of 12

Claim 3. (original) -- The improved touch screen assembly of claim 1, wherein said first antenna extends at least partially about the perimeter of said touch screen.

Claim 4. (original) -- The improved touch screen assembly of claim 1, wherein said resonant antenna means includes an inductor and a capacitor connected in a resonant circuit.

Claim 5. (original) -- The improved touch screen assembly of claim 4, wherein said means for selectively operating said resonant antenna includes finger touch connection means for completing said resonant circuit upon receiving a finger touch.

Claim 6. (original) -- The improved touch screen assembly of claim 1, wherein said control circuit means includes means for generating a periodic signal for driving said first antenna.

Claim 7. (original) -- The improved touch screen assembly of claim 6, wherein said control circuit means includes means for modulating said periodic signal.

Claim 8. (original) -- The improved touch screen assembly of claim 7, wherein said first antenna serves as a receiving antenna for picking up said

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 3 of 12

response signal, and said means for receiving said response signal is connected to said first antenna.

Claim 9. (original) -- The improved touch screen assembly of claim 6, wherein said means for receiving said response signal includes means for detecting said response signal when said periodic signal is in an OFF state.

Claim 10. (original) -- The improved touch screen assembly of claim 9, wherein said means for receiving said response signal includes counter means for detecting said modulated periodic signal.

Claim 11. (original) -- The improved touch screen assembly of claim 10, wherein said counter means is synchronized by said periodic signal.

16
Claim 12. (currently amended) -- In a touch screen system that has at least one physical control device operating on a touch screen, the improvement comprising:

a first antenna secured adjacent to the touch screen, and control circuit means for driving said field antenna to generate an EM field extending across the touch screen;

said at least one physical control device including resonant antenna means for receiving said EM field and re-radiating an electromagnetic response signal;

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 4 of 12

means for selectively operating said resonant antenna means to re-radiate said response signal when said physical control device is touched by a user, and for selectively disabling said resonant antenna means when said physical control device is not being touched by a user,

said control circuit further including means for receiving said response signal and entering a control command into an electronic device operatively associated with said touch screen assembly, wherein said physical control device includes a post assembly ~~adapted to operate in stationary fashion at one location on the touch screen~~, said post assembly including a base portion having a surface adapted to releasably engage said touch screen.

~~Claim 13. (canceled) -- The improved touch screen assembly of claim 12, wherein said post assembly includes a base portion having a surface adapted to releasably engage said touch screen.~~

¹⁷
~~Claim 14. (currently amended) -- The improved touch screen assembly of claim 13 ¹⁶ 12, wherein said resonant antenna means includes an inductor coil secured within said base portion.~~

¹⁸
~~Claim 15. (original) -- The improved touch screen assembly of claim 14, wherein said base portion is generally cylindrical, and said inductor coil is disposed in coaxial alignment with said base portion.~~

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 5 of 12

19
Claim 16. (currently amended) -- The improved touch screen assembly of claim 16, wherein said post assembly includes a outer crown end, and said means for selectively operating said resonant antenna includes a plurality of switch contacts secured to said crown end.

20
Claim 17. (previously amended) -- In a touch screen system that has at least one physical control device operating on a touch screen, the improvement comprising:

a first antenna secured adjacent to the touch screen, and control circuit means for driving said first antenna to generate an EM field extending across the touch screen;

said at least one physical control device including resonant antenna means for receiving said EM field and re-radiating an electromagnetic response signal;

means for selectively operating said resonant antenna means to re-radiate said response signal when said physical control device is touched by a user, and for selectively disabling said resonant antenna means when said physical control device is not being touched by a user,

said control circuit further including means for receiving said response signal and entering a control command into an electronic device operatively associated with said touch screen assembly,

wherein said physical control device includes a pen;

said pen includes a tip adapted to selectively provoke a touch detection by said touch screen;

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 6 of 12

said resonant antenna means includes an inductor coil and capacitor secured within said pen;

said means for selectively operating said resonant antenna includes touch contact means on a barrel portion of said pen for completing a circuit between said inductor coil and said capacitor.

further including cover means movably secured to said barrel portion, said cover means including a sleeve-like member extending conformally about a portion of said barrel and being selectively movable concentrically on said barrel portion to cover and uncover said touch contact means and prevent or enable operation of said touch contact means.

~~Claim 18. (cancelled) -- The improved touch screen assembly of claim 17, wherein said pen includes a tip adapted to selectively provoke a touch detection by said touch screen.~~

~~Claim 19. (cancelled) -- The improved touch screen assembly of claim 18, wherein said resonant antenna means includes an inductor coil and capacitor secured within said pen.~~

~~Claim 20. (cancelled) -- The improved touch screen assembly of claim 19, wherein said means for selectively operating said resonant antenna includes touch contact means on a barrel portion of said pen for completing a circuit between said inductor coil and said capacitor.~~

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 7 of 12

Claim 21. (cancelled) -- The improved touch screen assembly of claim 20, further including cover means movably secured to said barrel portion, said cover means being selectively positionable to prevent operation of said touch contact means.

12

Claim 22. (original) -- The improved touch screen assembly of claim 6, wherein said periodic signal is unmodulated.

13

Claim 23. (original) -- The improved touch screen assembly of claim 22, wherein said first antenna serves as a receiving antenna for picking up said response signal, and said means for receiving said response signal is connected to said first antenna.

14

Claim 24. (original) -- The improved touch screen assembly of claim 22, wherein said means for receiving said response signal includes means for detecting said response signal when said periodic signal is in an OFF state.

15

Claim 25. (original) -- The improved touch screen assembly of claim 1, further including means for correlating said response signal with the position of a touch detection signal from said touch screen to form inputs to said electronic device.

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 8 of 12

21

Claim *26*. (Previously amended) -- In a touch screen system that has at least one physical control device operating on a touch screen associated with an electronic device, a method for signaling the electronic device from the physical control device, including the steps of:

releasably adhering said at least one physical control device to said touch screen;

transmitting an EM field in the area adjacent to the touch screen;

providing a resonant antenna in said at least one physical control device, said resonant antenna tuned to said EM field;

selectively operating said resonant antenna to generate a response signal when said physical control device is touched by a user, and selectively disabling said resonant antenna when said physical control device is not being touched by a user,

receiving said response signal and entering a control command into the electronic device.

*22**21*

Claim *27*. (original) -- The method of claim *26*, wherein said receiving step is carried out during OFF cycles of said EM field.

*23**21*

Claim *28*. (original) -- The method of claim *26*, further including the step of modulating said EM field.

24 *21*
Claim 29. (original) -- The method of claim 26, further including the step of correlating said response signal with the position of a touch detection signal from said touch screen to form an input to said electronic device.

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 10 of 12

d.) Remarks

In the present Action, only claim 12 stands rejected over the Liao reference. Applicant has taken a decision to yield on this point and amend rejected claim 12 to add the substance of allowable claim 13, which is now canceled. Therefore claim 12 should now be allowed.

The instant rejection states that the pen of Liao can be broadly interpreted as a post. Although applicant does not agree with this position, the rejection fails to find sufficient merit in applicant's previous amendment to claim 12; i.e., the post assembly "adapted to operate in stationary fashion at one location on a touch screen." Therefore, applicant has deleted this phrase in the current amendment of claim 12.

The instant rejection as well as the *Response to Arguments* section of the Action indicate that the examiner finds posts and pens to be generally equivalent in the claimed setting. This finding is stated for the record, and it is hoped this finding will inure to the benefit of applicant in the future.

Applicant asserts that this Amendment After Final Rejection should be entered in the record, due to the fact that it resolves all remaining issues and places the application in condition for issuance.

All claims now presented have been indicated as allowed or allowable, or have been amended to become allowable, and this application is now in condition to be passed to issue. Action toward that end is earnestly solicited.

Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 11 of 12.

Respectfully Submitted,

Harris Zimmerman, Esq.
Registration No. 16, 437
Attorney for Applicant
Law Offices of Harris Zimmerman
1330 Broadway, Suite 710
Oakland, California 94612
(510) 465-0828

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as properly posted first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on

1/23/04



Jaeger Patent Application
M&A for Detecting Actuation of a Controller Device on a Touch Screen
Amendment After Second Action
Page 12 of 12